


[NOTE On or about October 2000 the Board of Corrections approved of a separate AR for the ADC, therefore, this policy now only applies to the Department of Community Correction.]

	ADMINISTRATIVE REGULATION STATE OF ARKANSAS BOARD OF CORRECTIONS	Section Number: DOC 865 DCC AR 7.24		Page Number: 1
		Board Approval Date: 2/17/94 ??/??/??		
		Supersedes: DOC 865 DCC AR 7.24 EMERG	Dated: 2/10/94 1/19/94 12/17/92	
		Reference: AD 93:09	Effective Date: 2/10/94 ??/??/??	
SUBJECT: <u>RESIDENT VISITATION</u> DRAFT AS OF: 7/28/03 11/19/03 1/16/04 3/8/04 3/24/04 4/14/04 Printed: 4/27/04				

I. AUTHORITY. The Board of Corrections ~~and Community Punishment~~ is vested with the authority to promulgate Administrative Regulations by ~~Act 50 of 1968, Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular Session (Ark. Code Ann. ' ' 16-93-1203 and 12-27-105 of 1993). Ark. Code Ann. ' ' 12-27-105, 16-93-1203, and 16-93-1205.~~


I. — PURPOSE. ~~To describe the offender visiting program that will be used in the Department of Correction/Community Punishment.~~

~~III.~~

II. APPLICABILITY. This policy applies to staff, residents, and persons who visit residents at all employees and especially those involved in the visitation process; offenders; and visitors residential centers administered or operated by the Arkansas Department of Community Correction (DCC).

III. POLICY. Residents are permitted to have visits with their family, friends, attorneys, and ministers under conditions consistent with applicable law, good order and department rules and regulations. Staff must show respect toward visitors without compromising safety and security. Individuals may apply to visit residents and submit to an approval process which includes an investigation. Further, for the purpose of security and good order, searches of individuals and property may be conducted and contraband, evidence, or potential evidence of a crime seized.


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IV. DEFINITIONS.

- ~~A. **Immediate Family Member.** consists of the offender's father, mother, sisters, brothers, spouse, children, grandparents, grandchildren, and may include other relatives whose relationship with the offender has been verified as that of a parent or guardian.~~
- ~~B. **Special Visit.** visits which occur on days other than regular visitation days; visits granted to an offender who normally may not receive a visit; and/or an extended visitation period.~~
- ~~C. **Offenders.** Persons sentenced to the Department of Correction or persons sentenced to the Department of Correction for judicial transfer to the Department of Community Punishment or confined in a community punishment center as a condition of probation, suspended imposition of sentence or post prison transfer.~~
- B. **Contraband.** Property an offender should not produce, grow, manufacture, or possess because it is illegal, against community correction center rules, or is prohibited by parole/probation conditions.
- B. **Evidence.** Anything which may be helpful in forming a conclusion or judgment about illegal or unauthorized activity; and testimony, writings, or material objects offered in proof of an alleged fact or proposition.
- C. **Minister.** A person who has been ordained and/or licensed or authorized by a sitting Pastor of a church of record to serve as spiritual advisors to offenders.

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Documentation of such authorization is on file at the DCC residential center.

D. Pat Search. A means for detecting contraband hidden on a person=s body that involves patting or sliding the hands along the fully-clothed body of a person.

E. Reasonable Suspicion. A degree of certainty based on facts and reasonable inferences drawn there from that cause one to believe that a person has violated the law or agency policy.

F. Residents. Offenders incarcerated or confined in DCC residential centers.

G. Tobacco Products. Any smoking or smokeless tobacco product.

~~V. **POLICY.** It shall be the policy of the Department of Correction/Community Punishment to permit offender to have visits with family, friends, attorneys, and spiritual advisors under conditions that are consistent with the security and good order of departmental operations.~~


~~V. **PROCEDURES** Visits shall be scheduled regularly at times that will assure reasonable access to offenders and in accordance with the appropriate administrative directive and facility standard operating procedures. Each facility shall maintain a list of visitors approved for visitation of individual offenders.~~

~~Rules pertaining to visitation shall be readily available for visitors and offender.~~

~~A. **Approval.**~~

~~1. Persons under the age of 18 may visit only with the permission of a parent or~~

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~~guardian.~~

- ~~_____ 2. Prospective visitors shall be subject to an approval inquiry.~~
- ~~_____ a. There will be no approval inquiry required for attorneys and ministers of record.~~
- ~~_____ 3. Persons with a prior criminal conviction(s) may be considered for a visit only with an immediate family member.~~
- ~~_____ 4. Upon good cause or substantial evidence, persons believed to have a detrimental effect on the offender or who constitute a threat to the security and good order of the facility may be removed from an approved visitation list upon authorization of the warden/center supervisor.~~


~~B. Searches.~~

- ~~1. Visitors shall be made aware they shall be subject to a search prior to visiting with an offender.~~
- ~~2. All searches shall be conducted in accordance with the appropriate administrative regulation and directives concerning searches for and control of contraband.~~

~~C. Visiting Conditions.~~

- ~~1. Visits shall be supervised by staff at all times during the allocated time.~~
- ~~2. Consistent with the security needs of the facility contact visits may be restricted.~~
 - ~~a. where contact visitation is allowed, the offenders and visitors may briefly embrace~~

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upon arrival and departure and may sit side-by-side. Small children may sit on the offender's lap.

3. —An attorney visiting area shall be provided to ensure privileged communications between offenders and their attorneys; however, the area used for these visits is subject to general staff supervision.

D. Visitation Restrictions.

1. —Limitations may be imposed on the number of visitors an offender may have at one time.

2. —Items carried into the visitation area by the visitor and offender shall be restricted.

3. —Any behavior on the part of the offender or visit which is or may be disruptive to the security and good order of the facility or is in violation of departmental policy/procedure will result in denial or termination of the visit.

4. —Offenders may have visitation privileges revoked while serving disciplinary time.

5. —Other restrictions may apply as indicated in the appropriate administrative directive(s) and/or standard operating procedure(s).


E. Records.

1. —Staff assigned visitation duties shall maintain a record of approved visitors.

2. —All visits shall, be documented as to date, person visiting, time visited, and any unusual incidents.

F. Special Visits.

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1. Upon approval of the warden/center supervisor, special visits may be allowed for attorneys, spiritual advisors, offenders in special housing/assignment/status, and persons residing outside a set radius from the facility.

2. Special visits shall be scheduled in accordance with guidelines established in the appropriate administrative directive(s) and facility procedure (s)


VII. A.C.A. REFERENCE.

3-4440, 3-4441, 3-4442, 3-4445, 3-4446, 3-4255.

V. GUIDELINES.

A. General Information. To support the objectives of DCC programming, residents will be allowed to receive visitors, following appropriate applicant screening to assure safety and security of employees and residents. The DCC can limit visitation in accordance with applicable law and for such reasons as programming requirements, resident behavior, and scheduling requirements. People who wish to visit residents must apply using Form 1, ACenter Visitation Application.@ For the safety of residents, staff, and visitors, certain precautions are necessary including conducting a background check of people who apply to visit residents. Applicants will be screened giving weight to the potential for therapeutic benefit of the their visit against likely harm or bad influence which may result. Investigations will consist of an ACIC/NCIC criminal history check, assessment of information provided on the Visitor Application Form, and any information obtained from Parole/Probation Officers, residents, or other reliable sources. Staff also use metal/drug detection equipment and conduct pat searches when appropriate. Violators of rules are subject to prosecution pursuant to Arkansas Code Annotated ' 5-54-119. Visitors must follow rules to ensure safety, security, and to set the example for residents who are learning to follow rules. Although precautions are

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taken to assure safety and security, visitors must understand there are risks. Visitors are welcome.


B. Identification. Upon entrance of a DCC residential center, all visitors will be required to show photo identification, follow staff instructions, and comply with the visitation policy, procedures and rules.

C. Treatment of Others. Staff, residents, and visitors must respect other=s civil rights and must not engage in retaliatory acts against anyone who claims or reports harassment.

D. Searches. Any personal or State property is subject to reasonable search when on State property or in the possession of someone on State property. Visitors, may be pat searched by an authorized person of the same gender. Visitors who refuse to be searched are subject to having their visitation ended, being barred from entering or remaining on DCC property, and having visitation privileges revoked. Circumstances that may lead to search include the following: a special security search of people entering, leaving, or currently on DCC premises; before, during, or immediately following a visit with a resident; when there is Areasonable suspicion@ of possession of contraband (see description on Form 1); if a major crime/critical incident has occurred in which contraband or evidence is involved; and in conjunction with the drug testing process. Visitors may be asked to wait in the area for permission to enter, however, they may not be detained and are free to leave at any time they choose. Visitors must sign out upon leaving.

2.—Use of tobacco products while inside a department owned or leased building or office space is prohibited


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E. Visitation Conditions and Restrictions.

1. Visitors must complete, sign and have on file an approved Visitation Application (Form 1) at the appropriate center prior to being allowed resident visitation.
2. Visits will be continuously supervised by staff.
3. Visitors are subject to pat search before, during, or following a visit.
4. An attorney visitation area will be provided upon request to ensure privileged communication between the attorney and client, however, the area is subject to general staff supervision. No background investigation is required for attorneys. However, an attorney may be asked to sign a statement indicating he/she is a licensed attorney and represents (attorney of record) or is in the process of determining whether to represent the resident.
5. The number of concurrent visitors for a resident may be limited.
6. Visits may be terminated, restricted or suspended if there is poor or disruptive behavior on the part of the resident or visitor or as part of a therapeutic measure imposed on a resident for rule violations.
7. Visits will not be allowed for residents in Disciplinary Detention or Reflection Chair status.
8. Residents may not have visitors while in Treatment Phase 1 (Orientation Phase) other than visits from an attorney or minister.

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9. Residents in the Technical Violator Program who earn visitation privileges may be allowed visitors near the end of their confinement only.
10. Restrictions may be placed on articles taken into the visitation area. Additional restrictions and conditions may be imposed considering the therapeutic benefits, space limitations, and risks to security and order.
11. Special visits (between regularly scheduled visitation times) may be allowed in certain circumstances when approved by the center supervisor, i.e., complying with court orders, signing documents, when requested by the Department of Human Services, accommodating a visitor from out-of-town, ministers, job interviewers, housing representatives, or other representatives assisting the resident with transition back into the community. Individuals allowed to make special visits are required to show photo identification and wear a visitor badge.
12. The resident is responsible to provide an application form, AR 7.24 Form 1, to each person he/she wants to receive as a visitors.

-VII. VI. ATTACHMENT.

AR 7.24 Form 1 Resident Visitation Application

Resident Visitation Application

Instructions to Residents: Send this form to each person (including children) you would like to have visit. Each person wishing to visit must complete all applicable sections of this form, sign it, and return it to the address below. A parent or legal guardian other than a resident must sign for children 18 or younger.

Applicant: The rules on the back or attached apply to all visitors to a DCC center. Anyone (including a child) who wishes to visit a resident must submit this application and be approved prior to visiting. Generally residents are given the option of receiving visitors on Saturday or Sunday during established visitation hours. One application form must be completed for each applicant. The resident will be notified of approval or disapproval and will inform you as to when you may visit. Return the completed form to the following address:

Center Records Section

Applicant Agreement: I am applying for visitation privileges at the _____ (Indicate center). I agree to abide by the visitation rules and conditions stated on the back of this form or attached. I understand that violations may result in suspension or termination of my visitation privileges. I realize searches are necessary to assure safety, security and orderly operations at the Center and agree to submit to a search prior to, during or following a visit. I further understand that it is the resident=s responsibility to tell me when visitation is permitted. The information I have provided on this form is true and I understand that if I willfully submit false information my visitation privileges will be revoked.

I 9 am 9 am not currently on Parole or Probation. My supervising Parole/Probation Officer is: _____. I agree to participate in family oriented treatment programs, as considered appropriate by the counselor. 9 yes 9 no.

NAME OF RESIDENT(S) TO BE VISITED	RELATIONSHIP

APPLICANT INFORMATION

<u>Print Applicant=s: First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Date:</u>
<u>Signature of 9 Applicant or 9 Guardian:</u>		<u>Telephone Number of Applicant:</u>	
<u>Applicant=s Birth Date:</u>	<u>Place of Birth:</u>	<u>Street Address:</u>	
<u>Applicant=s Social Security Number:</u>		<u>City / State / Zip Code:</u>	
<u>Applicant=s Driver=s License No.:</u>		<u>Sex:</u> 9 Female 9 Male	<u>Race:</u>

Resident Visitation Rules and Conditions

- 1.Visitors must complete an application (reverse side) to visit a resident in a DCC center. Note, the number of persons visiting a resident at one time may be limited.
- 2.Children under fifteen must be accompanied by an adult and may be required to provide a birth certificate for age verification.
- 3.Visitors may only visit the residents they were granted permission to visit.
- 4.Prescription drugs may only be brought into the Center with permission of the Center Supervisor.
- 5.Visitors must comply with DCC policies and procedures.
- 6.Visitors shall not have in their possession or property on DCC grounds explosive devices, firearms (or other instruments which can be used as weapons), ammunition, alcoholic beverages, tobacco products, illegal substances, narcotics or objects or materials of any kind which might be used to compromise the security, and safety of the center. Any attempt to bring such contraband onto center property will result in loss of visitation privileges and criminal prosecution. Pursuant to Criminal Code Section 5-54-119, the introduction of contraband into a correctional facility amounts to either a Class B or C felony, depending on the nature of the contraband.
- 7.Visitors must not be under the influence of drugs or alcohol while visiting a resident.
- 8.Visitors must be aware that there are risks inherent in visiting a DCC correction center.
- 9.Visitors are subject to screening devices and may be searched. Vehicles on the DCC grounds are also subject to search.
- 10.Persons entering a DCC center must provide sufficient information for the Center Supervisor to review criminal history and background. A person may be denied access if the security, order, and discipline of the center may be compromised.
- 11.Visitors must possess, and present on demand, adequate identification such as agency identification, drivers license or other picture I.D. and must sign in and out.
- 12.Visitors must be appropriately dressed as follows: No miniskirts/short dresses, shorts, halter tops, see through or other provocative clothing, shoulders must be covered at all times. Note: Children under fifteen are allowed to wear shorts of a respectable length.
- 13.Visitors may be under continual supervision, unless otherwise authorized by the Center Supervisor or designee.
- 14.Visitors may not give to, accept or exchange materials with a resident except as authorized by the Center Supervisor or designee, including notes or correspondence, money, gifts, food or other items. All such items are considered contraband and may be confiscated by staff. Purses and other items shall not be brought into the facility during visitation with residents.
15. Visitors may not bring tobacco products (smokeless or non-smokeless) within the perimeter fence of or on the grounds of a DCC center.
- 16.Residents and visitors are allowed to briefly embrace upon arrival and departure, sit side-by-side, and small children may be held or sit on the resident=s lap. Physical contact between residents and visitors may be restricted when there are security concerns.
- 17.Visitors shall conduct themselves in an exemplary manner at all times. This includes controlling children so they do not run or make too much noise. Improper conduct may result in ending the visit and suspension of visitation privileges.